

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA, :  
: NO. 1:02-CR-00074  
:  
: **OPINION AND ORDER**  
v. :  
:  
:  
MAURICE JOUETT :  
:  
:  
:

This matter is before the Court on the Defendant's Request for a Certificate of Appealability (doc. 57). The Court has reviewed Defendant's Motion and finds that a certificate of appealability should not issue with respect to Defendant's claims, as the Court in its previous Order (doc. 52) concluded that Defendant did not make a substantial showing of a denial of a constitutional right in his alleged grounds for relief. See 28 U.S.C. § 2253(c).

The Court notes that its earlier Order (doc. 52), in which the Court denied Defendant's Motion to Vacate (doc. 49) should have noted that: Petitioner's Petition for Writ of Habeas Corpus (doc. 49) is DISMISSED WITH PREJUDICE. Issuance of a certificate of appealability of this Order pursuant to 28 U.S.C. § 2253(c) is DENIED. The Court hereby CERTIFIES pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order may not be taken in good faith; leave to proceed in forma pauperis on appeal is

therefore DENIED.

SO ORDERED.

Dated: January 24, 2006

/s/ S. Arthur Spiegel

S. Arthur Spiegel  
United States Senior District Judge